IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE EIGHTH DAY OF AUGUST
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE J.CHELAMESWAR

AND
THE HON'BLE MR JUSTICE M.VENKATESWARA REDDY

WRIT PETITION No.8648 OF 2005

Between:

Sri N.Lakshminarayana Reddy,

S/o.Late N.Krishna Reddy,

Aged 24 years, R/o.7/112, Bagyanagar,

Guntakal, Anantapur District.

..... PETITIONER

AND

Union of India, represented by the

General Manager, South Central Railway,

Railnilayam, Secunderabad, and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE

J.CHELAMESWAR

AND
THE HON'BLE SRI JUSTICE

M.VENKATESWARA REDDY

WRIT PETITION No.8648 OF 2005

O R D E R

(Per Sri Justice J.Chelameswar)

Aggrieved by an order in O.A.No.317 of 2004, dated 6th January, 2005 on the file of Central Administrative Tribunal, Hyderabad Bench, the unsuccessful petitioner therein preferred the present writ petition.

The petitioner's father died in harness on 19.09.2000 while he was working as Pointsman-I at Station Master (SMR)/Gazetted/O/Guntakal in the scale of Rs.3050-4590. The petitioner is the son of the deceased employee through his first wife. Admittedly, the petitioner has another brother and a sister, who are not made parties to the litigation nor any information is given about them and their claim. The 4th respondent is the second wife of the deceased employee and the step-mother of the petitioner. Admittedly, the marriage between the deceased employee and the 4th respondent took place subsequent to the death of the petitioner's mother. It is also an admitted fact that the 4th respondent has a child through the deceased employee.

With the above-mentioned background, both the petitioner and the 4th respondent sought a compassionate appointment in the Indian Railways, which was the employer of the deceased. The employer preferred to provide employment to the 4th respondent as according to the guidelines adopted by the employer, in between the petitioner and the 4th respondent, the 4th respondent being widow has to be given preference for providing compassionate appointment. Challenging the same, the petitioner approached the Central Administrative Tribunal by way of the above-mentioned O.A. and the said O.A. was dismissed. Hence the present writ petition.

We do not see any reason to interfere with the impugned order, as in our view, the Tribunal rightly took the view that in the case of rival claims of the widow of the deceased employee and a male child of the deceased employee for compassionate appointment, priority must normally be given to the widow. We do not find any merit in the writ petition and the same is dismissed at the admission stage. No costs.

J.CHELAMESWAR,J

M.VENKATESWARA REDDY,J

8th AUGUST, 2005

PGS

THE HON'BLE MR JUSTICE J.CHELAMESWAR

AND
THE HON'BLE MR JUSTICE M.VENKATESWARA REDDY

WRIT PETITION No.8648 OF 2005

(Per Sri Justice J.Chelameswar)

8th AUGUST, 2005